

1201.105-3

The following acronyms apply when regulatory coverage is written:

FAA—Federal Aviation Administration
FHWA—Federal Highway Administration

FRA—Federal Railroad Administration
FTA—Federal Transit Administration
MARAD—Maritime Administration
NHTSA—National Highway Traffic Safety Administration

RSPA—Research and Special Programs Administration

SLSDC—Saint Lawrence Seaway Development Corporation

TASC—Transportation Administrative Service Center

USCG—United States Coast Guard

(b) *Numbering—(1) Departmentwide guidance.*

(i) The numbering illustrations at (FAR) 48 CFR 1.105-2 apply to the TAR.

(ii) Coverage within (TAR) 48 CFR chapter 12 is identified by the prefix “12” followed by the complete FAR cite which may be down to the subparagraph level (e.g., (TAR) 48 CFR 1201.201-1).

(iii) Coverage in this chapter 12 that supplements the FAR will use part, subpart, section and subsection numbers ending in “70” through “89”. A series of numbers beginning with “70” is used for provisions and clauses (e.g., (TAR) 48 CFR 1201.301-70).

(iv) Coverage in (TAR) 48 CFR chapter 12, other than that identified with a “70” or higher number, that implements the FAR uses the identical number sequence and caption of the FAR segment being implemented which may be down to the subparagraph level. Subparagraph numbers/letters may not be shown as sequential, but may be shown by the specific paragraph/subparagraph implemented from the FAR (e.g., (TAR) 48 CFR 1201.201-1 contains subparagraphs (b) and (d) because only these subparagraphs, correlating to FAR, are being supplemented by (TAR) 48 CFR chapter 12).

(2) *Operating administration-unique guidance.* Supplementary material for which there is no counterpart in the FAR or TAR shall be identified using chapter, part, subpart, section, or subsection numbers of “90” and up (e.g., the U.S. Coast Guard’s acronym is “USCG”; a USCG-unique clause pertaining to

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“Inspection and/or Acceptance” would be designated “USCG 1252.246-90”).

(c) *References and citations.* (TAR) 48 CFR chapter 12 may be referred to as the Department of Transportation Acquisition Regulation or the TAR. Cross references to the FAR in (TAR) 48 CFR chapter 12 will be cited by “FAR” followed by the FAR numbered cite, and cross reference to the TAM in (TAR) 48 CFR chapter 12 will be cited by “TAM” followed by the TAM numbered cite. References to specific cites within (TAR) 48 CFR chapter 12 will be by the numbered cite only.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50249, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

1201.105-3 Copies.

(a) Copies of the TAR in FEDERAL REGISTER, loose-leaf, and CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC, 20402.

(b) The (TAR) 48 CFR chapter 12 and Transportation Acquisition Circulars (TACs) are available on the internet. See part 1202, appendix A, for the internet address.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50248, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

1201.106 OMB Approval under the Paperwork Reduction Act.

(a) *Data collection by regulation.* The information collection and record-keeping requirements contained in (TAR) 48 CFR chapter 12 have been approved by the Office of Management and Budget (OMB). The OMB Control Number for the collection of the information under 48 CFR chapter 12 is 2105-0517 which expires on May 31, 2000.

(b) *Data collection under proposed contracts.* Under the regulations implementing the requirements of the Paperwork Reduction Act (5 CFR part 1320), OMB must approve, prior to obligation of funds, proposed contracts which require the collection of information from ten or more non-Federal persons or entities. Solicitations containing this type of information collection may be released prior to OMB approval provided:

(1) A statement is included in the solicitation to the effect that contract

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award will not be made until OMB approval of the information collection requirements of the proposed contract has been obtained; and

(2) Enough time is permitted to allow receipt of OMB approval prior to contract award.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50248, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

Subpart 1201.2—Administration

1201.201 Maintenance of the FAR.

1201.201-1 The two councils.

(b) The SPE is responsible for providing a DOT representative to the Civilian Agency Acquisition Council.

[59 FR 40270, Aug. 8, 1994, as amended at 64 FR 2436, Jan. 14, 1999]

Subpart 1201.3—Agency Acquisition Regulations

1201.301 Policy.

(a)(1) *Acquisition regulations*—(i) *Departmentwide acquisition regulations*. The authority of the agency head under (FAR) 48 CFR 1.301(a)(1) is delegated to the Assistant Secretary for Administration.

(ii) *Operating administration acquisition regulations*. Operating administration acquisition regulations, and any changes thereto, shall be reviewed and approved by the SPE for insertion into the TAR as a TAR supplemental regulation before the SPE submits the proposed coverage for publication in the FEDERAL REGISTER in accordance with (FAR) 48 CFR 1.501. Operating administration regulations may be more restrictive or require higher approval levels than those permitted by (TAR) 48 CFR chapter 12 unless specified otherwise.

(2) Acquisition procedures. The authority of the agency head under (FAR) 48 CFR 1.301(a)(2) to issue or authorize the issuance of internal agency guidance at any organizational level has been delegated to the SPE.

(i) Departmentwide acquisition procedures. DOT internal operating procedures are contained in the Transportation Acquisition Manual (TAM).

(ii) OA acquisition procedures. Procedures necessary to implement or supplement the FAR, TAR, or TAM may be issued by the HCA, who may delegate this authority to any organizational level deemed appropriate. OA procedures may be more restrictive or require higher approval levels than those permitted by the TAM unless specified otherwise.

(b) The authority of the agency head under (FAR) 48 CFR 1.301(b) to establish procedures to ensure that agency acquisition regulations are published for comment in the FEDERAL REGISTER in conformance with the procedures in FAR Subpart 1.5 is delegated to the Assistant General Counsel for Regulation and Enforcement (C-50).

[59 FR 40270, Aug. 8, 1994, as amended at 64 FR 2436, Jan. 14, 1999]

1201.301-70 Amendment of (TAR) 48 CFR chapter 12.

(a) Changes to the regulation may be the result of recommendations from internal DOT personnel, other Government agencies, or the public. These changes are to be submitted in the following format to the Office of Acquisition and Grant Management, 400 7th Street, S.W., Washington, DC 20590:

(1) *Problem*: Succinctly state the problems created by current TAR language and describe the factual and/or legal reasons necessitating regulatory change.

(2) *Recommendation*: Identify the recommended change by using the current language and lining through the words being deleted and inserting proposed language in brackets. If the change is extensive, deleted language may be displayed by forming a box with diagonal lines connecting the corners.

(3) *Discussion*: Explain why the change is necessary and how the change will solve the problem. Address any cost or administrative impact on Government activities, offerors, and contractors. Provide any other helpful information and documents such as statutes, legal decisions, regulations, reports, etc.

(4) *Point of contact*: Provide a point of contact for answering questions regarding the recommendation.

(b) The TAR will be maintained by the SPE through the TAR/TAM change